IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 15124 of 2005

Between:

V.Narayana, S/o.V.Subbaiah,
R/o.Imampuram Village,

Guntakal Mandal, Anantapur dist.

..... PETITIONER

AND

1 The Mandal Revenue Officer,

Kudair Mandal, Ananthapur district.
2 The District Collector,

Ananthapur District,

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the 1st Respondent in seizing petitioners bore well situated at Sy.No.154, Imampuram Village, Guntakal Mandal, Anantapur district, as illegal, arbitrary and violative of Articles 14, 21 of the Constitution of India and also being violative of Sections 15 and 36 of the A.P.Water , Lands and Trees Act 2002 and consequently direct the 1st respondent not to interfere with the possession and enjoyment of the petitioners bore well in Sy.No.154 of Imampuram Village, Guntakal Mandal, Anantapur district.

Counsel for the Petitioner: Mr. KUNCHEAM MAHESWARA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court, at the stage of admission, made the following :

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking a Mandamus declaring the action of the 1st respondent, in seizing the bore well of the petitioner, as illegal and arbitrary.

2. Heard both sides.

3. The learned counsel for the writ petitioner submitted that as per the provisions contemplated under A.P. Water, Land and Trees Act, 2002, (for brevity, "the Act"), no notice has been served on the writ petitioner by the 1st respondent-Mandal Revenue Officer before initiating seizure of the bore well.

4. I have perused the entire material available on record.

5. As per the provisions laid down under the Act, before seizing the bore well, the 1st respondent-Mandal Revenue Officer is under obligation to issue preliminary notice to the parties. Therefore, without following due process of law, passing of orders by the 1st respondent-Mandal Revenue Officer, regarding seizure of the bore well, is liable to be set aside and is accordingly set aside.

6. Accordingly, the Writ Petition is allowed. However, this order does not preclude the respondents to proceed with the matter in accordance with law, if they so desire.

(DHARMA RAO ELIPE,J)

18th July, 2005

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To

1 The Mandal Revenue Officer,

Kudair Mandal, Ananthapur district.

2 The District Collector,

Ananthapur District,

3 Two CCs to the GP for Revenue, High Court of A.P.,

Hyderabad (O.U.T.)

4 Two CD copies